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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

WARREN LICHTENSTEIN,

Plaintiff,

v.

ANDREW CADER,

Defendant.

Index No.: 13 cv 2690 (LAK)

NOTICE OF MOTION

PLEASE TAKE NOTICE that, upon the Complaint filed in this action, the Declaration of Seth J. Lapidow, Esq. with exhibits, the accompanying memorandum of law, and all prior pleadings and proceedings had herein, defendant Andrew Cader will move this Court before the Honorable Lewis A. Kaplan at the United States Courthouse, located at 500 Pearl Street, New York, New York, on the ____ day of ____, 2013, at 9:30 a.m., or as soon thereafter as counsel may be heard, for entry of an Order granting: (i) Mr. Cader's motion to dismiss or, in the alternative, to stay this action, in favor of a previously filed Hong Kong action and because this action is an improper attempt to collaterally attack a foreign decree; and (ii) Mr. Cader's motion to dismiss, pursuant to Fed.R.Civ.P 12, counts one and two of plaintiff Warren Lichtenstein's Complaint in this matter for failure to state a claim upon which relief can be granted.


Mr. Cader respectfully requests oral argument on this motion.

Dated: May 9, 2013

Respectfully submitted,

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By: _____


Seth J. Lapidow, Esq.